

**REMARKS**

Claims 1-19 are pending in this application. By this Amendment, claims 1, 3, 5-7, and 12-15 are amended. Support for the amendment may be found at, for example, paragraphs [0015], [0019], and [0024] of the Specification. No new matter is added. Reconsideration of the application is respectfully requested.

**I. Formal Matters**

The Office Action rejects claims 12-15 under 35 U.S.C. § 112, second paragraph, because there is insufficient antecedent basis for the recitation of "the changed stored information." Claims 12-15 are amended to overcome the rejection. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 12-15 under § 112, second paragraph.

**II. Claims Define Patentable Subject Matter**

The Office Action:

(1) rejects claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by Fishkin et al. (EP Patent Publication No. 0 929 027 A2; hereinafter *Fishkin*) and under 35 U.S.C. § 103(a) as being unpatentable over *Shintani* (U.S. Patent No. 6,137,480) in view of *Takagi* (U.S. Patent No. 6,052,116);

(2) rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Fishkin* and under 35 U.S.C. § 103(a) as being unpatentable over *Shintani* in view of *Takagi* and further in view of *Gershon* (U.S. Patent No. 6,257,984);

(3) rejects claims 4 and 8-10 under 35 U.S.C. § 103(a) over *Fishkin* in view of *Woolston* (U.S. Patent No. 5,845,265) and under 35 U.S.C. § 103(a) as being unpatentable over *Shintani* in view of *Woolston*;

(4) rejects claims 12-15 under 35 U.S.C. § 103(a) as being unpatentable over *Fishkin* in view of Goodman et al. (U.S. Patent No. 5,402,492; hereinafter *Goodman*) and under 35 U.S.C. § 103(a) as being unpatentable over *Shintani* in view of *Takagi* and further in view of *Goodman*; and

(5) rejects claims 16-19 under 35 U.S.C. § 103(a) as being unpatentable over *Fishkin* in view of *Kikinis* (U.S. Patent No. 5,746,602) and further in view of *Preston* (U.S. Patent No. 6,336,149).

Applicants respectfully traverse the rejections of claims.

**A. Claims 1-3 and 5-7 are Patentable Over Cited Prior Art**

Applicant asserts that neither *Fishkin* nor *Shintani* in view of *Takagi* teaches or suggests a physically manipulatable device for interfacing and communicating with a computer including at least an object placed relative to a physically manipulatable element of the manipulatable device, where the object indicates a state of a user independent of physical manipulation of the object by the user, and wherein the physically manipulatable element communicates a subset of the stored user information to the manipulatable user interface, where the subset is determined based on the state of the user indicated by the object, as recited in independent claim 5 and similarly recited in independent claims 1, 3, and 7.

Regarding the § 102(b) rejection, *Fishkin* discloses a zoomorphic computer user interface that supports a feedback unit for communicating with a computer system (*Fishkin*, Abstract). When a user brings a finger or hand into a position relative to the zoomorphic user interface, the interface sends information to the computer system (*Fishkin*, ¶¶ [0142], [0145],

and [0146])). However, the user's finger or hand fails to indicate a state of the user independent of physical manipulation by the user. Although *Fishkin's* zoomorphic user interface may also contain various features or physical attributes that the user can symbolically or metaphorically relate to a media control system, such as a pair of darkened glasses or ear-muffs (*Fishkin*, ¶¶ [0148]-[0150]), the disclosed zoomorphic user interface fails to communicate a subset of information about the user stored in the zoomorphic user interface to the computer system, where the subset is determined based on the zoomorphic user interface's features or physical attributes.

Next, with regard to the § 103(a) rejection, the Office Action correctly recognizes that *Shintani* does not disclose a physically manipulatable element device having a memory (Office Action, pg. 5). Thus, *Shintani* cannot reasonably be considered to disclose, teach, or suggest a physically manipulatable device including at least one physically manipulatable element that stores information about the user, as recited in independent claims 1, 3, 5, and 7. Instead, the Office Action alleges that *Takagi* cures the deficiencies of *Shintani*. Applicant respectfully disagrees.

*Takagi* teaches a wireless keyboard containing a memory for storing whether a nontext key has been pressed or released, and for buffering wireless data (*Takagi*, col. 4, ll. 9-13; col. 5, ll. 12-50). However, *Takagi* fails to cure *Shintani's* deficiencies because *Takagi's* wireless keyboard does not at least store information about the user or communicate a subset of the stored user information based on a state of the user indicated by an object placed relative to the wireless keyboard. Accordingly, Applicant respectfully asserts that both *Fishkin* and *Shintani* in view of *Takagi* fail to disclose or suggest a physically manipulatable device as recited in independent claim 5 and similarly recited in independent claims 1, 3, and 7.

In accordance with the above remarks, Applicant submits that independent claim 5 defines patentable subject matter. Claim 6 depends from claim 5, and therefore, also defines patentable subject matter, as well as for its additional recited features. Independent claims 1, 3, and 7, although of different scope, recite features similar to those of claim 5 that define patentable subject matter. Therefore, Applicant submits that independent claims 1, 3, and 7 are also patentable over cited prior art. Claim 2 depends from claim 1, and therefore, also defines patentable subject matter, as well as for its additional recited features. Thus, Applicant respectfully requests the withdrawal of the § 102(b) and § 103(a) rejections of claims 1-3 and 5-7.

**B. Claims 4 and 8-19 are Patentable Over Cited Prior Art**

The Office Action rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Fishkin* and over *Shintani* in view of *Takagi* and further in view of *Gershon*. Next, the Office Action rejects claims 4 and 8-10 under 35 U.S.C. § 103(a) over *Fishkin* in view of *Woolston* and over *Shintani* in view of *Woolston*.

The Office Action also rejects claims 12-15 under 35 U.S.C. § 103(a) as being unpatentable over *Fishkin* in view of *Goodman* and over *Shintani* in view of *Takagi* and further in view of *Goodman*. Finally, the Office Action rejects claims 16-19 under 35 U.S.C. § 103(a) as being unpatentable over *Fishkin* in view of *Kikinis* and further in view of *Preston*.

These rejections are premised upon the presumption that *Fishkin* or the combination of *Shintani* and *Takagi* discloses, teaches, or suggests all of the features of claims 4 and 8-19, each of which depends from one of independent claims 1, 3, 5, and 7. Because, as discussed above, neither *Fishkin* nor the combination of *Shintani* and *Takagi* discloses, teaches, or suggests all of the features of independent claims 1, 3, 5, and 7, the rejections are improper.

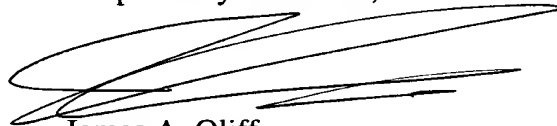
Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) is respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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